

***PENDENTE LITE* SUPPORT HEARINGS**

NINTH JUDICIAL CIRCUIT

In an effort to assist the Court and counsel and to expedite *pendente lite* hearings, the Court has adopted the following instructions and forms that are applicable to each divorce case in which *pendente lite* support hearings are scheduled.

- A. The Court will expect, where possible, that parties bring with them to *pendente lite* hearings appropriate documentation supporting the amount of present income which they claim is earned by either or both of the parties (e.g., pay slips, monthly profit/loss statements, etc.). If a party claims that the current income of one of the parties should be determined by averaging income earned over a number of months, documentation should be produced, where possible, for each of those months and an accounting of the calculations involved should accompany those documents.
- B. A current income/expense statement shall be prepared for each party who intends to introduce such a statement at the hearing. The Court requires that the attached expense form be used for those who intend to introduce such evidence.
- C. Counsel for the moving party is to be responsible for bringing to the hearing completed spousal support guideline worksheet, child support guideline worksheet, and model *pendente lite* order as printed completed with the statistical information peculiar to this case. The Court applies the Ninth Circuit spousal support formula for *pendente lite*. If the parties reach an accord and desire to have a consent order entered, the model order shall also be implemented.
- D. All documents shall be exchanged between counsel at the earliest possible time, but certainly no later than seventy-two hours before the hearing, with copies to the Court.
- E. At the conclusion of the hearing, counsel will be required to complete the model *pendente lite* order as printed in conformity with the Court's orders, endorse it appropriately and leave the completed order with the Judge's staff.
- F. If payroll deduction is applicable for support payments, the payroll deduction order provided by the Supreme Court is to be used and is available in Clerks' Offices.

CONTESTED CUSTODY/VISITATION HEARINGS

Prior to considering contested custody or visitation matters, the Court will require an order providing for mediation and, if mediation is unsuccessful, then home studies and parental evaluations. If an emergency exists where the children are in danger, the Court will consider a hearing without mediation, etc. In all contested custody or visitation hearings, the parties are to complete the best interests of the child form, exchange it at least seventy-two hours prior to the hearing, and provide a copy to the Court.

***ORE TENUS* EQUITABLE DISTRIBUTION HEARINGS NINTH JUDICIAL CIRCUIT**

The Court is willing to make an effort to hear equitable distribution matters *ore tenus* if the parties comply with the following:

1. Each of the parties is to complete the appropriate forms. Each party will be bound by the information contained in his or her completed forms. For simplicity and continuity, the Court requires that the attached forms be used rather than similar forms. It is important that the parties calculate the totals of the estate and share request where provided on the forms.
2. Upon completion of the forms, a pre-hearing conference is to be scheduled with the Court.
3. The parties are to exchange the completed forms, with copies to the Court, no later than seventy-two hours before the pre-hearing conference.
4. The parties and counsel are to be present for the pre-hearing conference and be prepared to discuss and refine the issues.
5. At the conclusion of the pre-hearing conference, the Court will determine whether to hear or refer the matter to a Commissioner in Chancery for determination of equitable distribution. An *ore tenus* equitable distribution hearing will be a maximum of three hours. Counsel and the parties shall bring their calendars to the pre-hearing conference.

PERMANENT SPOUSAL SUPPORT

Upon decreeing a divorce and after equitable distribution, if a hearing is required for the award of permanent spousal support, the parties shall complete the pertinent Section 20-107.1 proffer and current income and expense statement and exchange the same between the parties and provide copies to the Court at least seventy-two hours before the hearing.

